

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

KAZUI, et al.

Serial No: Not Assigned (Parent 10/421,140)

Filed: February 19, 2004

For: Shape Measurement Method and  
Apparatus

Art Unit: Not Assigned

Examiner: Not Assigned

**TRANSMITTAL OF INFORMATION  
DISCLOSURE STATEMENT**

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sirs:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

**§1.97(e) STATEMENT**

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification

after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

**OR FEE**

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00). [OR:] Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-1314. A copy of this petition is enclosed.

3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

**§1.97(e) STATEMENT**

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

**OR**

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

**AND FEE**

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
4. ☒ If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. **A copy of this petition is enclosed.**

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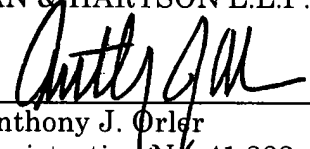
5. ☒ A list of 9 reference(s) is in the enclosed Form PTO-1449. Pursuant to 37 C.F.R. § 1.98(d), copies of the listed reference(s) are not provided since they were submitted in parent application Serial No. 10/421,140, the benefit of the filing date of which is claimed herein under 35 U.S.C. § 120.

#### NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

By: \_\_\_\_\_

  
Anthony J. Orlor  
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Date: February 19, 2004

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<b>FORM PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	<b>Docket Number (Optional)</b> 83394.0024	<b>Application Number</b> Not Assigned (Parent 10/421,140)
	<b>Applicant</b> KAZUI, et al.	
	<b>Filing Date</b> February 19, 2004	<b>Group Art Unit</b> Not Assigned

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2003/0010914		TAKANE, et al.			01/16/2003

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	07-027549	01/27/95	JAPAN			Abstract	
	02-247964	10/03/90	JAPAN			Abstract	
	05-290786	11/05/93	JAPAN			Abstract	
	01-143127	06/05/89	JAPAN			Abstract	
	63-032314	02/12/88	JAPAN			Abstract	
	61-290313	12/20/86	JAPAN			Abstract	

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>	
	Karsushi IKEUCHI, "Determining 3D Shape from 2D Shading Information Based on the Reflectance Map Technique", IEICE Transactions, Vol. J-65-D, No. 7, pp. 842-849, issued by the Institute of Electronics, Information and Communication Engineers, in July, 1982
	ALLGAIR, et al., "Implementation of Spectroscopic Critical Dimension (SCD) for Gate CD Control and Stepper Characterization", Metrology, Inspection, and Process Control for Microlithography XV, Proceedings of SPIE Vol. 4344 (2001), pgs. 462-471

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	